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HOUSE BILL 141

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dolores C. Wright

AN ACT

RELATING TO UTILITIES; AMENDING SECTION 62-9-1 NMSA 1978
(BEING LAWS 1941, CHAPTER 84, SECTION 46, AS AMENDED) TO
CLARIFY STATUS OF CERTAIN UTILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 62-9-1 NMSA 1978 (being Laws 1941,
Chapter 84, Section 46, as amended) is amended to read:

"62-9-1. NEW CONSTRUCTION. --

A. No public utility shall [~~after the effective
date of this 1941 act~~] begin the construction or operation of
any public utility plant or system or of any extension of any
plant or system without first obtaining from the commission a
certificate that public convenience and necessity require or
will require such construction or operation. This section
[~~shall~~] does not [~~be construed to~~] require [~~any such~~] a public

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1 utility to secure a certificate for an extension within any
2 municipality or district within which it lawfully commenced
3 operations before [~~the effective date of this 1941 act~~] June
4 13, 1941 or for an extension within or to territory already
5 served by it, necessary in the ordinary course of its
6 business, or for an extension into territory contiguous to
7 that already occupied by it and that is not receiving similar
8 service from another utility. [~~Notwithstanding any other~~
9 ~~provision of the Public Utility Act, as amended, or any~~
10 ~~privilege granted under that act~~] If any public utility or
11 mutual domestic water consumer association in constructing or
12 extending its line, plant or system unreasonably interferes or
13 is about to unreasonably interfere with the service or system
14 of any other public utility or mutual domestic water consumer
15 association rendering the same type of service, the
16 commission, on complaint of the public utility or mutual
17 domestic water consumer association claiming to be injuriously
18 affected, may, upon and pursuant to the applicable procedure
19 provided in Chapter 62, Article 10 NMSA 1978, and after giving
20 due regard to public convenience and necessity, including [~~but~~
21 ~~not limited to~~] reasonable service agreements between the
22 utilities, make [~~such~~] an order and prescribe [~~such~~] just and
23 reasonable terms and conditions in harmony with the Public
24 Utility Act [~~as are just and reasonable so as~~] to provide for
25 the construction, development and extension, without

1 unnecessary duplication and economic waste.

2 B. As used in this section, "mutual domestic water
3 consumer association" means an association created and
4 organized pursuant to the provisions of:

5 (1) Laws 1947, Chapter 206, Laws 1949,
6 Chapter 79 or Laws 1951, Chapter 52; or

7 (2) the Sanitary Projects Act. "

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